

### CITY OF HAYWARD AGENDA REPORT

Meeting Date: 9-06-01

Agenda Item: 4

TO:

Planning Commission

FROM:

Norm Weisbrod, Project Planner

**SUBJECT:** 

Referral by the Planning Director of Administrative Use Permit Application No. 2001-0106 – Kathleen Schnepple (Applicant) Estate of Edward J. Sharon (Owner), - Request to allow the keeping of livestock (three female chickens) at a single femile residence.

single-family residence.

The project location is 27426 Mitchell Place, on the east side of Mitchell Place

between Carson Drive and Chambosse Drive.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission:

- 1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301 Existing Facilities.
- 2. Approve the administrative use permit, subject to the attached findings and conditions of approval.

#### **BACKGROUND:**

#### Setting

The site is located on the east side of Mitchell Place between Carson Drive and Chambosse Drive. The property is developed with a single-family home that is typical of the surrounding neighborhood. The rear yard is bordered by Western Pacific Railroad and BART rights-of-way.

#### **Proposal**

The applicant has recently obtained three hen chickens as pets for her children. The hens are kept un-caged in the back yard of the home. There are no roosters and the applicant states that they do not plan on breeding the hens. The applicant states that their wings are clipped so they are unable to fly out of the yard.

On May 15, 2001, Animal Control received a complaint that livestock, such as chickens and roosters were being kept on the applicant's property. The applicant was informed that the keeping of livestock in the back yard of a single-family home in the "RS" Single-Family Residential District requires an Administrative Use Permit. The applicant applied for the Administrative Use Permit on July 3, 2001. In this case, the Planning Director is referring this application to the Planning Commission because of the neighborhood concern consisting of a petition (attached). The petition, signed by 163 individuals, generally opposes livestock of any kind being raised in the neighborhood.

Staff has also received a number of e-mail messages and numerous phone calls from surrounding neighbors in opposition to the keeping of chickens at this location. They raised concerns regarding odor, noise, the chickens getting out of the yard and eating neighbor's plants and the poor appearance of the applicant's yard.

Under Section 10-1.2735f. Special Standards and Conditions for Certain Uses (Livestock and Household pets) are the following standards that apply for keeping livestock:

• The minimum lot area for exotic animals, poultry or other birds is 5,000 square feet or greater.

The applicant's parcel area is approximately 6,900 square feet.

• The minimum available open area for poultry per animal is 200 square feet.

For three chickens this would require 600 square feet. In the rear of the applicant's home there is approximately 2,889 square feet of open area.

• Building and structures used for the housing of animals shall be located behind the principal structure.

There is no structure associated with this proposal. The chickens are allowed to roam the back yard at will.

• All areas containing livestock or other animals shall be enclosed by fences, which are good, strong, substantial, and sufficient to prevent the ingress and egress of livestock and other animals. Such fences shall be designed and constructed of appropriate materials and be of an adequate height so as to control and contain such animals at all times, while avoiding injury to such animals, preventing such animals from reaching across any property lines, and of a design that does not detract from the appearance of the site or surrounding area.

The property is enclosed with a 5.5 to 6-foot high wood fence along the rear and south side property line. Some of the fence boards on the rear lot line fence have been replaced. The remainder of the wood fence appears to be in serviceable condition. The north side property line is fenced with 6-foot high chain link covered with corrugated metal for privacy. This is a property line between the applicant's home and the home to

the north. The fencing appears adequate to retain the chickens in the applicant's back yard.

 All livestock and other animals shall be kept or maintained so as to minimize and prevent production of flies, excessive odor, dust noise or other conditions detrimental to the community health and welfare including daily removal of animal waste and storage of food in rodent-proof containers or buildings.

Staff visited the site on August 17, 2001, at approximately noon. No noise, dust or odor was detected.

#### Public Notice

On August 27, 2001, a notice of public hearing was mailed to property owners and occupants within 300 feet of the property as noted on the latest Assessor's records, and to the Briarwood Neighborhood Homeowners Association and the Whitman/Mocine Neighborhood Task Force.

#### Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15301, Existing Facilities, wherein the proposed activity will involve negligible or no expansion of the use existing at the time the exemption is granted.

#### Conclusion

Because the keeping of livestock can be detrimental to a single-family neighborhood, it is subject to approval of an Administrative Use Permit. The Zoning Ordinance also contains the above standards and conditions to protect surrounding properties from any nuisance that may result from the keeping of livestock. Because of the significant neighborhood concern, the matter has been scheduled for a public hearing before the Planning Commission. The keeping of chickens in the back yard of a single-family home must be done in a manner that will have little or no detrimental impacts on the surrounding properties. Whether it is chickens, dogs or cats, standards of cleanliness, noise control, odor and security are very critical elements. While there have been complaints and concerns raised regarding noise, odor and containment of the chickens, staff finds that the applicant is able to keep them according to the City's standards such that they create no detrimental impacts. However, staff's ability to monitor the property is limited and public testimony will be important to the Commission's decision making.

Prepared by:

Yone Weisbrod
Project Planner

Recommended by:

Dyana Anderly, AICP

Planning Manager

#### Attachments:

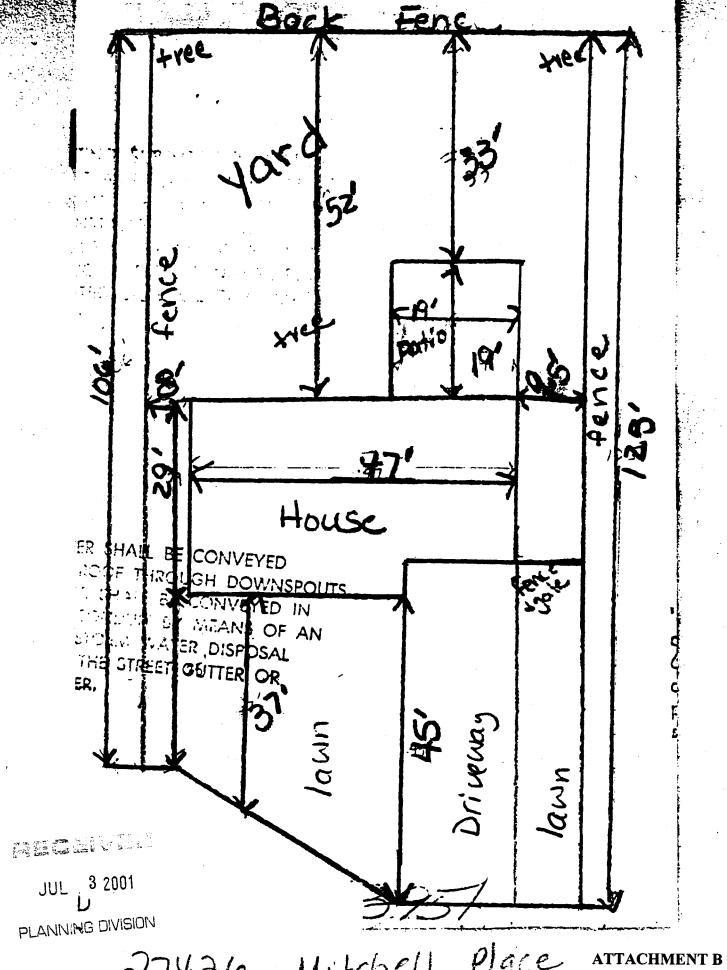
- A. Area Map
- B. Site Plan
- C. Findings for Approval
  D. Conditions of Approval
- E. Petition in Opposition to Administrative Use Permit



### **Area & Zoning Map**

AUP 2001-0106

Address: 27426 Mitchel Place Applicant: Kathleen Schnepple Owner: Edward J. Sharon, Estate of



27426 Mitchell Place ATTACHM AUP 2001-0106

# CITY OF HAYWARD PLANNING DIVISION ADMINISTRATIVE USE PERMIT APPROVAL September 6, 2001

ADMINISTRATIVE USE PERMIT APPLICATION NO. 2001-0106 – KATHLEEN SCHNEPPLE (APPLICANT)/ESTATE OF EDWARD J. SHARON (OWNER) – Request to allow the keeping of livestock (three female chickens) at a single-family residence.

The site is located at 27426 Mitchell Place in the RS Residential Single-Family District (APN: 452-64-19).

#### FINDINGS FOR APPROVAL

- A. The approval of Administrative Use Permit Application No. 2001-0106 authorizing the keeping of three chickens will have no significant impact on the environment, cumulative or otherwise. This project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 Existing Facilities.
- B. That the keeping of three chickens is desirable for the public convenience or welfare in that it provides enjoyment and entertainment for the applicant and her children such as any other household pet.
- C. That the keeping of three chickens will not impair the character and integrity of the zoning district and surrounding areas because the chickens will be kept in the back yard of the owners property and will not be readily visible from the surrounding properties.
- D. That the keeping of three chickens will not be detrimental to the public health, safety or general welfare because conditions of approval of the Administrative Use Permit require the thinning or clipping of the chickens' wings to prevent them from flying out of the applicant's back yard, that the property be adequately fenced to contain the chickens to that area, and that if problems occur regarding the keeping of chickens this administrative use permit can be brought back to the Planning Commission for consideration in imposing additional conditions or restrictions or revocation.
- E. That the keeping of three chickens is in harmony with applicable City policies and the intent and purpose of the RS Single-Family Residential Zoning District in that it promotes a suitable environment for family life for the applicant and her children.

ATTACHMENT C

# CITY OF HAYWARD PLANNING DIVISION ADMINISTRATIVE USE PERMIT APPROVAL September 6, 2001

<u>ADMINISTRATIVE USE PERMIT NO. 2001-0106 – KATHLEEN SCHNEPPLE</u> (<u>APPLICANT</u>)/<u>ESTATE OF EDWARD J. SHARON (OWNER</u>) – Request to allow for livestock (3 female chickens) at a single-family residence.

The site is located at 27426 Mitchell Place in the RS Residential Single-Family District (APN: 452-64-19).

#### **CONDITIONS OF APPROVAL**

- 1. The proposed Administrative Use Permit Application No. 2001-0106 for livestock will be limited to not more than three (3) females chickens.
- 2. The chickens shall only be maintained in the fenced side yard and rear yard of the subject property.
- 3. The rear and side yard property line fences shall be maintained in good repair at all times and in a condition that will prevent the chickens cannot from leaving the rear yard of the applicant's property.
- 4. The wings of the chickens shall be clipped or thinned so they cannot fly out of the back yard or they shall be kept in an enclosure that will not allow them free range of the back yard.
- 5. Droppings from the chickens shall be cleaned up on a daily basis so as not to cause odors or attract flies.
- 6. If it comes to the attention of the Planning Director that there are problems occurring as a result of the applicant keeping three (3) chickens in the rear yard of the home, the Director may recall this administrative use permit application to the Planning Commission for consideration of imposing additional conditions or restrictions, or revocation

Print Name	Street Address	Phone #	Signature
Wonne Dhengs	394 Chamberse Drive Hayward, CA 94544	537-0915	TONOGO
KUSHUM KRISHNA	382 CHAMBOSSE DR. Hayward, CA 94544	7335977	A.K.
HARSHAL PATER	370 CHAMROSSE DR. Hayward, CA 94544	701.8205	Hahlfetel.
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Dennis Bettencourt	77386 WhiTman 31 Hayward, CA 94544	538-5530	Dennie Bittinant
Donald LHUIS	Hayward, CA 94544	695-8936	A Sian
LETICIA MORA	385 CARSON DRIVE Hayward, CA 94544	581-9471	Stricia mora
Ningning Aguilar	340 CAPSON DAVE Hayward, CA 94544	433-5293	17-x718
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JAYABOWMAN.	335 MASO10 D12 Hayward, CA 94544	582-8977	Jay A Daina 2
Edie Vraine MONIQUE GARCIA	347 Mason Dr. Hayward, CA 94544	881-H471	2 Vianna
	371 MASON DRIVE Hayward, CA 94544	510-886-0721	MS
PeniseMartinez	395 Mason Pr. Hayward, CA 94544	510-537-83	90 Denise Marting
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Anith Gutierzez	プンション MUN, BY D R Hayward, CA 94544	510 551-4716	JUL 1 9 2001

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Kathy NordStrom	27182 Whitman st	(50)	
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Lupe garcia	349 Stewart dr. Hayward, CA 94544	582-7516	Madalup Arcia
KRYSUNG KAMERS	349 Stewart O.R. Hayward, CA 94544	727-0518	KRYTNAKAMERS
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Caroline Flores		510-881-7656	Caroline Flores
DavidMorris	27008 Duffel Place Hayward, CA 94544	5105824891	Janual Brig
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SANINE GARCIA	324 Thorne D- Hayward, CA 94544	510537 2535	
ROBERT GARCIA	324 THORNE DR. Hayward, CA 94544	510 537 2535	Robe E. Sarcia
SIM VAN STEWEN LE	348 THORNE DRIVE Hayward, CA 94544	510 581 4413	Jan Halletina
Dora Kamirez	356 Moone DR Hayward, CA 94544	510889-8596	DUNGS
MARBARET A. Newm	388 Thorne Dr. Hayward, CA 94544	510 889-1248	Margarel Deuryen
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JUAN L. MARQUEZ	389 White Dr. Hayward, CA 94544	(510) 538-9271	man lis

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Ron Fuller	Hayward, CA 94544	7279847	Roczala
SANJAY KUMAR	Hayward, CA 94544	537 - 5854	Steme
ROY FATUN	341 WHITEDK. Hayward, CA 94544	538-3218	Roy Ede
JOANNE E-RINER	325 WH TE DR. Hayward, CA 94544	582-0559	Joanna Rine
Sherr Fully	Hayward, CA 94544	797-9847	Shenr Fully
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VICTORIA BERG	338 White Dr Hory. Hayward, CA 94544	538-5094	Victoria Berg
Jamos Phillips	27775 Rose PL Hayward, CA 94544	9860115	Janus Chillin

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ANGELA KING	369 Thorne or, Hayward, CA 94544	F20 9550	
ANA LACAYO	36 1 Thorne Dr Hayward, CA 94544	582-0564	agan.
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Alberto	321 Thome DR Hayward, CA 94544	(510) 150-2491	Doupor
Frances Wygo	315 Carson Dr Hayward, CA 94544	(510) 538-8113	France Wygo
HARRY YIP,	315-CARSONDR. Hayward, CA 94544	501 537 8113	Harry Ger
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Judy Owen	1		Sudy Owen
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DAMON OWEN	Hayward, CA 94544		Damon Owen
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	Hayward, CA 94544		

We the following neighborhood residents do not want livestock of any kind raised in our neighborhood:

PLANNING DIVISION

Print Name	Street Address	Phone #	Signature
Teresa Alvarez	27410Mitchell PI		Leresoyc Strong
OFELIA MARTI	しつうひ かけいのか けんこ		1 Okilia Martino
ANTONIO VASQUEZ	366 MASON DR. 94544 Hayward, CA 94544	510) 581-8935	(Antonio Tasques)
Peter Smith	27226 Danlor P1 94544  Hayward, CA 94544	(510) 581-5120	The Tall
Jefferson Mishima	27725 Vuntar P1 94844  Hayward, CA 94544	510 58-5170	Of you Mist.
MARY GONDAL	327 MURRAY DR Hayward, CA 94544	5/0-582-82-05	m. Gondal
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Marineda Martinez	Hayward, CA 94544 354 Slowent Dr	610)881-1458	mails mic.
Gino Altanivano	26971 Freites Dr Hayward, CA 94544	510-536-1472	

Print Name	Street Address	Phone #	Signature
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ANNA CASTILO	Hayward, CA 94544		Amor Castillo
Alice Fernandez	Hayward, CA 94544		Clie Fernandoz
	26852 Frietzs Dr. Hayward, CA 94544	4	Kathleen J. Hack
Martha Martinez	26868 Freitos De. Hayward, CA 94544		H Ezapata.
JORDI WARQUEZ	24998 Whitmanstreet Hayward, CA 94544		Os manag
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	BETTY CINEN	2 74 41-501 Telsell JV Hayward, CA 94544			Delly Cruse
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	Judy Owen	2744/->1.th////////////////////////////////////			Ludy Owen
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	William Kor	353 Chambasse Dr. Hayward, CA 94544	7578	8280	hijk
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ANGELA KING	369 Morne Ori Hayward, CA 94544	_ 538-7552	angela King
ANA LACAYO	36 1 Thorne Dr Hayward, CA 94544	582-0564	augh.
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Alberto	321 Thome DR Hayward, CA 94544	(510) 950-2491	Francis Wyge
Frances W Gigs	3/5 Carson Dr Hayward, CA 94544	(510) 538-8113	Frances Wyge
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	ROBERT GARCIA	324 7160RNE DR. Hayward, CA 94544	510 537 2535	Rober E. Sarcia
	Sim Van Ostandade	348 THORNE DRIVE Hayward, CA 94544	510 581 4413	Jan Holder
	Dora Kamirez	356 Noone Df Hayward, CA 94544	510889-8596	DUALUE
	MARBARET A. Newm	388 Thorne DR. Hayward, CA 94544	510 889-12.68	Margarel Deurron
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Rosalia Gorra ez	392 Hyde Dr Hayward, CA 94544		R 2 11-6 (10 11 15-16-1
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Marciano Alvarez	27410 Mitchell Pl, (rear) Hayward, CA 94544	1510-338-9018	N.M. Calvara
JAYABOONMAN.	335 MASONS DIZ Hayward, CA 94544	582-8977	Jay A Doune 2
Edie Viaina	347 Mason Dr. Hayward, CA 94544	881-H471	Ellanna.
MONIQUE GARCIA	Hayward, CA 94544	510-886-0721	
Penise Ma, Linez	395 Mason Pr. Hayward, CA 94544	510-537-83	90 L'enise Menterry
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ANITH GULLERIES	アルマ MON, AY D た Hayward, CA 94544	510 551-4716	JUL 1 9 2001

Print Name	Ştreet Address	Phone #	Signature
Vonne Duena	394 Chambose Drive	537-0915	2 Markings
KUSHUM KRISHNA	382 CHAMBOSSE DR. Hayward, CA 94544	7335977	AGO.
HARSHAL PATEL	370 CHAMROSSE DR	701.8205	Hablett.
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Dennis Bettemourt	27386 Whitman II	538-5530	Dennie Bittinger
Donald LHUR	Hayward, CA 94544	695-2936	let tran
LETICIA MORA	385 CARSON DRIVE Hayward, CA 94544	581-9471	Stucia mora
Ningning Aguilar	340 CAFSON NAW Hayward, CA 94544	433-5243 '	17-8/2018
Nasesh Chamil	370 CARSON DE Hayward, CA 94544	881-2613	(he)